

GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

IN RE: REQUEST FOR CERTIFICATION
FLIP ENERGY, INC.

CASE NO.: NEPR-CT-2024-0005

SUBJECT: Resolution and Order regarding
*Request for Clarification on DR Aggregator
Certificate and Other Matters* filed by Flip
Energy Inc.

RESOLUTION AND ORDER

I. Introduction

On August 26, 2024, the Energy Bureau of the Puerto Rico Public Service Regulatory Board ("Energy Bureau") issued a Resolution ("August 26 Resolution") granting Flips Energy, Inc.'s ("Flip Energy") request for certification as an Electric Service Company and as a Demand Response Aggregator¹, subject to the continuing applicability of the waivers of certain Regulation 8701² requirements, under the Transition Period Plan and any subsequent Energy Bureau directives. The certifications of DR Aggregators were made under the circumstances of the Transition Period Plan ("TPP") and LUMA's³ Emergency Demand Response Program.

The August 26 Resolution granted Flip Energy DR Aggregator certification until June 30, 2025, and advised that the certification could be renewed upon request filed, at least, thirty (30) days before the expiration date.

On February 3, 2026, Flip Energy filed before the Energy Bureau a document titled *Request for Clarification on DR Aggregator Certificate and Other Matters* ("February 3 Motion"). Flip Energy requested clarification on the following matters: (i) Demand Response Aggregator validity during TPP extensions and alignment to June 30, 2028; and (ii) start date for filing of annual gross revenue reports and financial statements.

II. Applicable Laws and Regulations

A. Regulatory Requirements to Demand Response Aggregators Certification

On April 3, 2025, the Energy Bureau issued a Resolution and Order ("April 3 Resolution")⁴, to align Energy Efficiency ("EE") and Demand Response ("DR") programs on a common timeframe with the Customer Battery Energy Sharing ("CBES") program and to enable a comprehensive review of the first Three-Year EE and DR Plan. The Energy Bureau determined that the first Three-Year EE and DR Plan shall cover only two years: July 1, 2026, through June 30, 2028⁵. The Energy Bureau extended the Transition Period Plan ("TPP") until June 30, 2026.

On October 24, 2025, the Energy Bureau issued a Resolution and Order ("October 24 Resolution") that modified previous Resolutions⁶ on how waivers to the certification process

¹ According to the requirements of the *Regulation for Demand Response*, December 21, 2020 ("Regulation 9246").

² *Amendment to Regulation No. 8618, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, February 17, 2016 ("Regulation 8701"), as amended by Regulation No. 9182, *Amendment to Regulation No. 8701, on Certifications, Annual Fees and Operational Plans of Electric Service Providers in Puerto Rico*, June 24, 2020 ("Regulation 9182").

³ LUMA Energy, LLC and LUMA Energy ServCo, LLC (referred to jointly as "LUMA").

⁴ *In Re: Energy Efficiency and Demand Response Transition Period Plan*, Case No.: NEPR-MI-2022-0001.

⁵ 2026-2028 EE and DR Plan.

⁶ Resolutions issued on June 15, 2023; January 28, 2025; and October 24, 2025 under Case No.: NEPR-MI-2022-0001.



provisions applicable under Regulation 8701 would be prospectively applied to entities requesting DR Aggregator certification. Specifically, the October 24 Resolution determined all Regulation 8701 provisions shall apply with the following exceptions:

Article 2 Required Information and Duty to Update	Applicable only: Section 2.01 - Personal Information Section 2.03 – Fees Section 2.03(A)(1) Personal Information (\$100.00) Section 2.03(A)(1)(a) Update (\$50.00) The rest of Article 2 is waived.
Article 3 Certification	Applicable entirely except: Section 3.03(B).

Through the October 24 Resolution the Energy Bureau further clarified that:

The waivers herein shall apply to all new DR Aggregators requesting certification of this Resolution and Order. Existing certified DR Aggregators shall commence with all filing requirements except the waivers specified herein commencing the start of the following calendar year January 1, 2026.⁷

B. Duty to Report Gross Revenue and File Financial Statements

Section 4.02(A) to (D) of Regulation 8701 establishes the duty of electric service companies to report its gross revenue sixty (60) days after the end of their Natural Year. Section 4.02(E) and (F) of Regulations 8701 required Financial Statements to be submitted (audited or compiled according to the amount of gross revenue) on one hundred and twenty (120) days after the end of their Fiscal Year.

C. Complaint Procedure for Consumers Enrolled in a Demand Aggregator Program

Section 6.03 of Regulation 9246 requires DR Program Providers a complaint procedure for its customers with the following elements:

A. Before enrolling customers in a DR program, each DR Program Provider shall develop and publish a procedure for addressing any complaints a Customer may have regarding the DR services or compensation provided to the Customer. The procedure shall clearly describe the process through which a Customer may file any complaint or grievance with the DR Program Provider and the process through which the DR Program Provider will address said complaint or grievance, including the time period within which such complaints or grievances will be addressed.

1) A DR Program Provider with a pre-existing complaint procedure that has been approved by the Energy Bureau may use that procedure until it develops a complaint procedure fully aligned with this regulation. When it begins implementation of a DR program, such provider shall propose to the Energy Bureau the timeline for updating its complaint procedure to be fully aligned with this regulation, or shall explain why it believes that its preexisting procedure is fully aligned with this regulation.

2) Each DR Program Provider's complaint procedure shall include information regarding how to contact the Independent Consumer Protection Office.

⁷ Footnote 4, at page 2.



B) The procedure must include processes for investigation and resolution of complaints by a Customer whose private or proprietary information may have been sold by the DR Program Provider or disclosed by the DR Program Provider to market services or product offerings in violation of this Article.

C) Any Customer dissatisfied with a determination made by the DR Program Provider in relation to a complaint or grievance made under this Section may file a complaint with the Energy Bureau for review of such determination by the DR Program Provider. Such complain shall be filed under Regulation 8543.

D. Privacy and Data Security Policy Requirement under Regulation 9246

Regulation 9246 requires that DR Program Providers adopt and maintain a privacy and data security policy that describes and governs how it stores, safeguards, and limits disclosure of customer information. Section 6.01(D) requires the following:

D) Each DR Program Provider's privacy and data security policy shall ensure at a minimum that:

1) The company's policy is consistent with the principles for data privacy and the smart grid in the DataGuard Energy Data Privacy Program Voluntary Code of Conduct.

2) The company may not sell private or proprietary customer information.

3) The company may not disclose private or proprietary customer information with or to its affiliates, subsidiaries, or any other third party to market services or product offerings to a retail electric customer who does not already subscribe to that service or product.

a) The DR Program Provider shall be allowed to share customer information with its DR vendors, verifiers, and evaluators, with data sharing limited to that which is necessary for effectively operating each vendor's DR program or programs or the verification or evaluation of such programs.

4) This section does not require customer permission for or prevent disclosure of private or proprietary customer information by the DR Program Provider to a third party with which the DR Program Provider has a contract where such contract is directly related to conduct of the DR Program Provider's business and the services being provided, **provided that the contract prohibits the third party from further disclosing or selling any private or proprietary customer information obtained from the DR Program Provider to a party that is not the DR Program Provider and not a party to the contract with the DR Program Provider.**

5) A DR Program Provider may collect and release retail electric customer information in aggregate form if the aggregated information allows no specific customer to be identified. **[Emphasis ours]**

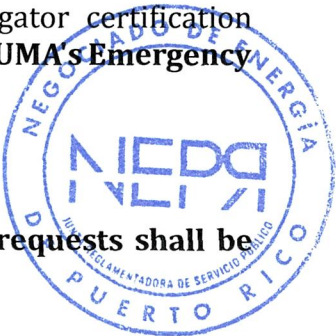
III. Conclusion

The Energy Bureau **GRANTS** Flip Energy's Demand Response Aggregator certification renewal request, **under the special circumstances of the TPP and the LUMA's Emergency DR Program.**

Certification Expiration date⁸: **June 30, 2028.**

Certification could be renewed upon request of Flip Energy. **Renewal requests shall be filed, at least thirty (30) days before the Expiration Date.**

⁸ Extension of TPP, see November 29, 2023, Resolution and Order "Extension of Transition Period Plan by One Year; Extension of DR Aggregator Certification Deadline", Case No.: NEPR-MI-2022-0001.



The Energy Bureau **ORDERS** the Clerk Office to include Flip Energy in the List of Certified DR Aggregators at the Energy Bureau's web site, including the Flip Energy's contact information, as required by Section 2.02(C) of Regulation 9246.

As a result of the directive issued through the October 24 Resolution, **starting on 2027**, DR Aggregators, shall begin to report gross revenues and submit financial statements. Specifically, DR Aggregators shall submit with the corresponding information of Fiscal Year 2026: (i) Gross Revenue Report as required by Section 4.02(A) of Regulation 8701; and (ii) Financial Statements (audited or compiled according to the amount of gross revenue) as required in Section 4.02(E) and (F) of Regulation 8701.

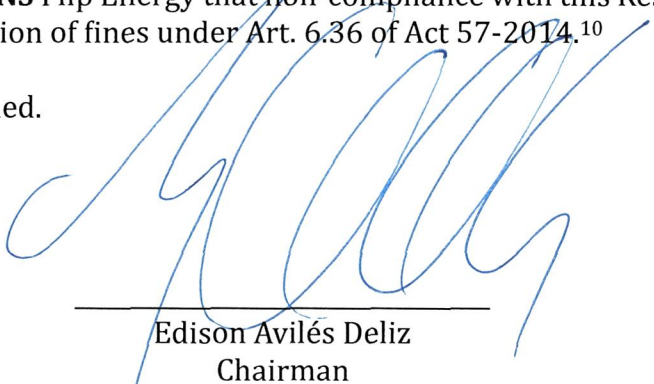
In light of the foregoing, the Energy Bureau **ORDERS** Flip Energy to submit **during 2027** its: (i) Gross Revenue Report as required by Section 4.02(A) of Regulation 8701; and (ii) Financial Statements as required in Section 4.02(E) and (F) of Regulation 8701, **with the corresponding 2026 information, and on the filing dates established in these provisions.**

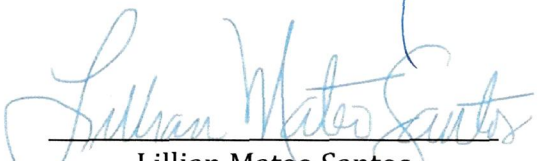
The Energy Bureau **GRANTS** Flip Energy **thirty (30) days**, from the notification of this Resolution and Order, to submit its consumer complaint procedure, as required by Section 6.03 of Regulation 9246.

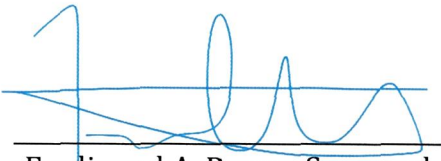
The Energy Bureau **GRANTS** Flip Energy **thirty (30) days**, from the notification of this Resolution and Order, to update its Privacy Policy so as to include and/or clarify the following: (i) Flip Energy may not disclose private or proprietary customer information with or to its affiliates, subsidiaries, or any other third party to market services or product offerings to a retail electric customer who does not already subscribe to that service or product, **as required by Section 6.01(D)(3) of Regulation 9246**; and (ii) any contract between Flip Energy and a third party prohibits the third party from further disclosing or selling any private or proprietary customer information obtained from Flip Energy to a party that is not Flip Energy and not a party to the contract with Flip Energy, **as required by Section 6.01(D)(4) of Regulation 9246.**⁹


The Energy Bureau **WARNS** Flip Energy that non-compliance with this Resolution and Order may result in the imposition of fines under Art. 6.36 of Act 57-2014.¹⁰


Be it notified and published.


Edison Avilés Deliz
Chairman


Lillian Mateo Santos
Associate Commissioner


Ferdinand A. Ramos Soegaard
Associate Commissioner


Sylvia B. Ugarte Araujo
Associate Commissioner


Antonio Torres Miranda
Associate Commissioner

⁹ According to the record of this case Flip Energy submitted its Privacy Policy as Exhibit A of its Motion in Compliance with Resolution and Order, filed on August 9, 2024.

¹⁰ Known as the Puerto Rico Energy Transformation and Relief Act, as amended ("Act 57-2014").



CERTIFICATION

I certify that the majority of the members of the Puerto Rico Energy Bureau has so agreed on February 17, 2026. I also certify that on February 18, 2026. I proceeded with filing the Resolution and a copy was notified by electronic mail to Antonio.collazo@oneillborges.com.

I sign this in San Juan, Puerto Rico, on February 18, 2026.





Sonia Seda Gaztambide
Clerk